The Disconnect between the FCC's Schools and Libraries Universal Service Program (E-Rate) and Tribal Libraries

- The Association of Tribal Archives, Libraries, and Museums (ATALM) is a non-profit, Native-led organization that provides culturally relevant training and services to the nation's 500+ tribal libraries, archives, and museums. ATALM was established in 2010 with support from the Institute of Museum and Library Services. For more information, visit www.atalm.org

- ATALM periodically conducts studies of tribal cultural institutions, and through these studies, is building a record of data that can be used to inform policy. For example, ATALM data have been used in FCC filings, a 2014 resolution by the National Congress of American Indians (NCAI), and in NCAI's joint comments to the FCC.

- ATALM's 2013-2014 study, *Digital Inclusion in Native Communities: The Role of Tribal Libraries,* is the first of its kind. Survey findings illuminate the differences between tribal libraries and public libraries and highlight ongoing barriers to adoption, outstanding needs, and reforms that could make *FCC's Schools and Libraries Universal Program (E-Rate)* program a significant contributor to enhanced telecommunications and Internet access in Native communities. ATALM's data indicate that:
    - Among tribal libraries that offer public Internet access, ***43 percent are the only providers of public access in their regions***.
    - ***Eleven percent of tribal libraries do not offer the public Internet access***.
    - *Approximately* ***40 percent of tribal libraries do not have broadband connectivity***. When taking into consideration current equipment capacities and shared connections (many tribal libraries share a connection with the tribal government and/or a tribal school), ***the figure could be as high as 89 percent***.
    - Despite the fact that the USF E-Rate program has helped change the public library information technology landscape, it has had little impact on tribal communities. ***Fifteen percent of reporting tribal libraries received E-Rate discounts*** (2011 survey) and ***only 17 percent had ever applied for them*** (2013 survey).
    - The need for E-rate support is great among tribal libraries, but eligibility requirements, complicated application procedures, and a general lack of knowledge about the program are barriers.

Our tribal library does not access E-Rate funds because:	2011 (n=71)	2013 (n=116)
We have never heard of it	52%	51%
The E-Rate application is too complicated	11%	12%
We are unsure if the library is eligible for E-Rate	42%	28%
The time needed to participate in the program is not warranted	6%	3%
We were denied funding in the past and are now discouraged	1%	1%
We applied for E-Rate in the past, but no longer find it necessary	1%	1%

Sources: ATALM 2011, 2013

Tribal Libraries Are Unique & Have Different Needs Than Rural Libraries

- Tribal libraries **do not have the same funding sources as public libraries**, which often receive the majority of their funding from local property taxes and state governments.

- o Tribal libraries are funded primarily through the Institute of Museum and Library Services (IMLS) and tribal governments.
  - o When all sources of funding are considered, ***ATALM estimates that tribal libraries, on average, receive less than $3 per capita per yea****r*. In contrast, public libraries receive an average of $45 per capita.[1]
- Tribal libraries often are **not eligible to receive services from state library agencies**.
- Tribal libraries generally **serve large and geographically diverse areas**, some of which are as large as states.
- Tribal libraries often are incorporated into council houses, schools, tribal government complexes, and other facilities that serve community needs. They are not always dedicated, stand-alone facilities but are located in areas that are most accessible to tribal citizens.
- Locations may be in **remote areas** where access to training, resources, and infrastructure, including Internet access, are not readily available.
- Tribal libraries' collections may include sacred materials to which culturally appropriate access must be assured. Tribal libraries collect these materials in addition to public access materials that are available to everyone.
- Tribal library staff are often knowledgeable "culture keepers", but may have limited experience or professional training in traditional library sciences.
- Statistical information for tribal libraries is not included in the national *Library Annual Statistical Report* because state library agencies do not collect this information for tribal libraries.

Action Items

ATALM appreciates the FCC's commitment to ensuring that indigenous populations keep pace with mainstream America in terms of digital access, adoption, and applications.   To have the greatest impact, and enable more tribal libraries to participate in the program, ***the following actions are recommended***:

1. Address the existing eligibility requirements that prevent tribal libraries from accessing E-Rate funding (see page 3).
2. Accelerate deployment of broadband connections to tribal libraries and schools by creating a Tribal Library Priority for E-Rate Funding.
3. Preserve the 90 percent funding rate for tribal schools and libraries and re-instate Priority 2 funding for tribal communities.
4. Create a tribal set aside that ensures adequate E-Rate funding for tribal libraries. ATALM estimates that $10 million a year is needed if tribal libraries are to be funded at the same level as public libraries.
5. Simplify the application process.
6. Conduct meaningful outreach, including participation at national and regional meetings where tribal library administrators are present, to promote the availability of E-Rate.
7. Develop tribal-specific training modules and educational materials about E-Rate.
8. Provide guidance to awardees on compliance with E-Rate regulations.
9. Ensure accessibility to FCC/E-Rate staff during critical times of the funding cycle to provide additional assistance.
10. Involve tribal library leadership in the policy making process.

Key Challenges that Prevent Tribal Libraries from Accessing E-Rate

LSTA Eligibility Requirement
As articulated by the Government Accounting Office (GAO) in its 2006 report, *Telecommunications: Challenges for Assessing and Improving Telecommunications for Native Americans on Tribal Lands*, a tribal library must be eligible for state LSTA funds and not just tribal LSTA funds to be eligible for E-Rate.[2] This places state library administrative agencies in the position of acting on behalf of a sovereign tribe and also may place them in violation of state statutes. This is not a workable solution for state library agencies or tribal libraries. The jurisdictional conflict impedes tribal libraries from being able to utilize E-Rate funding to obtain affordable telecommunications services and Internet access.

Even though the Library Services and Construction Act (LSCA), the precursor to LSTA, recognized that "Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from states"[3] and recognized that tribal needs are not adequately addressed by the conventional approach to library funding, the FCC continues to require that tribal libraries adhere to the LSTA eligibility requirement.

ATALM contends that when LSCA morphed into LSTA, an oversight resulted in a critical change in the treatment of tribal libraries. ATALM implores the FCC to take whatever action is necessary to remove the requirement that tribal libraries be eligible for LSTA funds under state programs and restore them to being treated as agencies of sovereign Native nations.

Approval of Technology Plans
The requirement that tribal libraries must seek approval of technology plans from a state library agency creates an additional barrier, as most state library agencies are prohibited by state statutes from providing services to non-state entities. Further, ATALM studies have found that most tribal libraries do not have technology plans and need technical assistance if they are to develop such plans.

Exclusion of Tribal Library Representatives from the Policy Making Process
When the chairman of the FCC called for a Digital Literacy Corps to "enable thousands more public libraries to hold in-person, basic digital literacy classes and allow schools to do the same after school hours,"[4] no mention was made of including tribal libraries or of the needs of Native communiites. Further, when members of the Broadband Opportunity Coalition were named, no Native American organizations were included. Organizations included were the Asian American Justice Center, National Council of La Raza, League of United Latin American Citizens, National Urban League, One Economy, National Association for the Advancement of Colored People, The Joint Center for Political and Economic Studies, and the Minority and Media Telecommunications Council.

Lack of Awareness of the E-Rate Program and its Benefits to Tribal Libraries and Their Patrons
More than half of the respondents to the 2011 ATALM survey were unaware of the E-Rate program. Those who did know about it indicated a desire for more information and training in how to develop technology plans, submit applications, and comply with regulations. ATALM can deliver these services at its annual conference and through its website or lend its support to USAC if it wishes to host training.

Tribal Librarians Thoughts on E-Rate
Of the **20 tribal libraries reporting that they receive E-Rate support**, all indicated that it has made a significant contribution to digital access and opportunities in tribal communities. For example:

"Two years ago our elementary school students were an average of two years behind their peers in public school. We incorporated an online curriculum that is aligned to the Common Core Standards to supplement our classroom instructions. We are very pleased to say that in the last two years we have seen great growth in our test results and our students are now at grade level. I attribute much of our success to the online curriculum which ensures that the students are meeting all the standards. These services are only available because we have high-speed Internet through the E-Rate program."
– Margaret Nuttall, Duckwater Shoshone School and Library

"Because we are on a remote island in the Bering Sea that is accessible only by air and water, the Internet provides us access to a world we otherwise would not be able to reach. We would not have Internet connections without E-Rate funding. We receive approximately $200,000 a year for our schools and library. We need more bandwidth as library users are conducting more online research, using online services, and accessing e-readers." – Connie A. Newman, Librarian, St. George and St. Paul Island, Alaska
"We are very thankful for the $5,000 in funding we receive. Because of the E-Rate funding we are able to offer a faster Internet connection to our patrons (T-1 line). Before we started receiving E-Rate funding, our Internet connection was DSL, which is much slower. Not having to pay for internet service means we are able to spend more on library materials." – Pattie Billings, Librarian, Quapaw Tribe of Oklahoma

"Many of the patrons in our community don't have computers or Internet at home. Many have not wanted to learn how to use the internet, but realize they have to learn in order to fit in with today's society. So they come to the library where we have public computers and fast Internet, thanks to E-Rate. One of my patrons is a Vietnam vet, and he is disabled. He comes to the library where he likes to read and watch movies. One day he came in and said that he needed help applying for employment. We helped him. We didn't want to do it for him. We wanted him to learn how to use the computer for his own good. So, we taught him; hand over hand. We taught him to fill out his first online form. We helped him get an email account as well. It took four hours, but he did it! He came back the next day to check his email, and the next day after that. I have many patrons just like this one. It is very common in my community, very." – Darcia Grace, Director, Nenana Public Library, Alaska

When asked how E-Rate could be improved, tribal librarians responded with the following:

- "The process is pretty lengthy, but once you've done it a time or two, it gets easier. However, because new regulations and rule changes occur each year, having a workshop to go over the changes would be very beneficial."
- "The process is complex, but it is easy to understand the necessity of the various forms."
- "There is too much lag time between when the application is submitted and when the funding announcement is made."
- "Tribal libraries would have a more productive relationship with vendors if they paid them directly.'
- "We need more funding for filtering software since this is required by E-Rate, but the software is not an eligible expense.'
- "Broadband overages are a problem in Alaska."
- "Most tribal librarians believe the funding is only for public and school libraries. More work needs to be done to inform tribal libraries about E-Rate."
- "As the deadline for filing approaches, we often receive an "error" display from the FCC's website. This delays our submittal and causes concern."
- "The forms seem to get longer each year, and the wording is not always clear. There should be a way to streamline the process, especially for those libraries that request only the basic funding each year."

Endnotes

[1] American Library Association, "ALA Library Fact Sheet 4," 2013, http://www.ala.org/tools/libfactsheets/alalibraryfactsheet04, accessed March 27, 2014.

[2] United States Government Accountability Office, "Telecommunications: Challenges for Assessing and Improving Telecommunications for Native Americans on Tribal Lands," Washington, DC, March 2006, p. 7, http://www.gao.gov/assets/120/112955.pdf, accessed March 27, 2014.

[3] *Library Services and Construction Act*, §361a.

[4] Josh Gottheimer and Jordan Usdan, "FCC and Connect To Compete Tackle Broadband Adoption Challenge," Federal Communications Commission, Washington, DC, October 2011, http://www.fcc.gov/blog/fcc-and-connect-compete-tackle-broadband-adoption-challenge, accessed March 27, 2014.